

7 Chalcot Road, Utopia Village NW1



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Delegated Report		Analysis sheet	Expiry Date:	04/12/2013
Members' Briefing (For information)		N/A / attached	Consultation Expiry Date:	08/11/2013
Officer			Application Number(s)	
Tania Skelli-Yaoz			2013/6589/P	
Application Address			Drawing Numbers	
Utopia Village 7 Chalcot Road London NW6 1NX			See decision notice	
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature	
Proposal(s)				
Change of use from offices (Class B1a) to 53 residential units (Class C3).				
Recommendation(s):		Approve prior approval subject to s106 legal agreement		
Application Type:		GPDO Prior Approval Class J Change of use B1 to C3		

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice					
Informatives:						
Consultations						
Adjoining Occupiers:	No. notified	153	No. of responses	152	No. of objections	134
			No. electronic	00		
Summary of consultation responses:	<p>Representations were received from 152 adjoining occupiers, local councillors (C Naylor, P Callaghan, L Pietragnoli, S Vincent, P Jones) and MPs (Rt Hon G Jackson and F Dobson). Of these 134 raised objections, 17 made a comment and 1 letter of support was received. Below is their summary:</p> <p><u>Construction impact</u></p> <ul style="list-style-type: none"> - noise disturbance during construction - structural damage to surrounding properties <p><u>Loss of employment</u></p> <ul style="list-style-type: none"> - loss of historic mixed use character in area - currently some offices are vacant and the site has 22 business tenants - Site is used as mixed B1 and D2 with fitness centre in unit 8 (2150sqft). Pursuant to pp 2006/0633/P. If this use has not reverted to B1 before 30/5/13 than pp would be required. - loss of mixed use character and business to shops on Princess Road and Chalcot Road - loss of employment space for small businesses <p><u>Transport</u></p> <ul style="list-style-type: none"> - car parking stress including outside of parking hours restrictions - danger to pedestrian movement in surrounding streets, Chalcot Road and entrance to site with increased car traffic into site and in particular during school drop-off and pick-up times - lack of information on waste collection arrangements - severe impact on highway network - increase of traffic outside of office hours - 3.2m width at entry point to site (between 2 houses built in 1860): construction vehicles access would be restricted - no evidence provided to support the claim that car use would decline - Chalcot Road is a 20 mph area with a primary school at its end; this would present a challenge to construction vehicles. - transport statement fails to properly consider the vehicle movements associated with the proposed use and the pressure demands for car parking and how that will impact the local highway network - development should be car-free - transport analysis on travel output (Appx A is deeply flawed; the 3 locations used in London do not reflect the proposal site in economic and social values and no reference is made to school 200m away which already causes congestion in term-time - increased risk to school children from increased traffic - assertion that the residential use will have a smaller footprint is wrong. Residential use likely to be much higher. - more commuting into centralised employment locations leaving unaffordable office space for start ups - the site has only 10 parking spaces as vast majority of employees and staff arrive by foot, cycle or public transport 					

Amenity

- no amenity space is provided for any of units
- loss of privacy, in particular due to overlooking from windows to north elevation into 101-105 Gloucester Avenue and other similar situations with regards to Edis and Egbert Street
- an earlier planning condition secured the windows in the flank facing rear of nos. 7 & 8 Edis Street as permanently bolted fixed with obscure glazing only. This should be maintained
- increased noise in evenings and weekends
- poor historic noise insulation between the two sites

Quality of residential development

- density too high/ overdevelopment
- lack of detail on materials, design and layout resulting in harm to the Conservation Area (CA)

Other concerns

- proposal should be considered under building regulations (part N)
- new rooflights proposed on northern buildings which would require planning permission (pp)
- inaccuracies regarding existing fenestration
- insufficient description of development
- insufficiently detailed drawings

Land contamination

- concerns of contamination of site and environmental impact, in particular harm to existing bat habitat on the roof
- the previous uses of the site including piano-making, electrical engineering and pharmaceuticals have not been considered with regards to land contamination

Cllr Pietragnoli, Cllr Callaghan, Cllr Fulbrook, Cllr Leyland, Cllr Naylor, S Vincent, P Jones): objection

- not the whole site was used within Class B1a prior to 30/5/13
- increased traffic to and from site and poor traffic generation studies
- poor emergency access
- car parking stress
- lack of appropriate consultation time and extent
- proposal contrary to policy DP13
- impact on historic mix of uses in area
- danger to pedestrians
- need to exclude area by Article 4

Officers' comments:

- *as explained below the officers' assessment is restricted to a set criteria and conditions. The relevant issues which can be addressed under these have been secured on plan in the form of cycle parking; this and other issues are secured by legal agreement. Therefore issues covering the loss of employment/mix of uses on site, design and materials and amenity cannot be considered under this proposal.*
- *the applicant has made revisions to the existing drawings to reflect the accurate fenestration on site.*
- *consultation time has been allowed beyond the formal expiry date of the consultation period.*
- *concerns over danger to pedestrians due to increase in traffic is proposed to be mitigated with car-capping, however, this cannot be constrained to particular daytimes. Car-capping, amongst other aims, seeks to reduce conflicts between car users and pedestrians. The provision of sufficient cycle parking is also to contribute towards a safer environment for pedestrians.*

CAAC / Local Groups comments:	<p><u>Primrose Hill CAAC</u>: objection</p> <ul style="list-style-type: none"> - concerns over increase in traffic movements - concerns over transport assessment insufficiently substantiated and car trip assessment inaccurate and unrealistic - additional congestion by collections and deliveries to site <p><u>Gloucester Avenue Association</u>: objection.</p> <ul style="list-style-type: none"> - endorse similar objections by residents and councillors Naylor and the CAAC. <p>Officers' comments: <i>pls see assessment section 2 and comments above.</i></p>

Site Description

The application site is located on the north side of Chlact Road, set within a mews at the rear of the terraces on Gloucester Avenue, Edis Street, Chalcot Road, Egbert Street and Fitzroy Road. It has two pedestrian and vehicular access points via Chalcot Road (between nos. 6 and 8) and via Egbert Street (between nos.13 and 14). Deliveries are made using both entrances.

It comprises a part two-storey/part three-storey building that has historically operated as a piano manufacturing workshop. The existing space is laid out with some 22 units, each occupying a separate business with some businesses occupying several units. The site also includes a management office and some units are currently vacant. The agent has advised that the existing site has the benefit of 20 parking spaces and that all units are used within use class B1a excluding units 11 and 11a which are in use as a recording studio.

The building is not listed and lies within the Primrose Hill conservation area.

Relevant History

2013/5111/P Change of use from offices (Class b1a) to 57 residential units (Class C3) – WITHDRAWN.

2013/3341/INVALID Unit 10a Utopia Village - Roof extension to an existing two story office building with flat roof. Under consideration.

2010/4019/P pp REFUSED on 13/04/2011 for the Erection of an additional storey with a curved roof for office use (Class B1) to the existing 2 storey flat-roofed element of a part-2/ part-3 storey office building. (design reasons)

2006/0633/P pp GRANTED on 31/03/2006 for the Change of use from ground floor office unit (Class B1) to a fitness training facility (Class D2).

PE9800893 pp GRANTED in 1999 for the Change of use from Class B1 (recording studio) to personal training fitness gymnasium (class D2). [Personal pp until vacation]

20728 pp REFUSED in 1975 for the Change of use from offices ancillary to light industry to architects' offices.

Relevant policies

NPPF 2012

Chapter 4 Paragraphs 29 and 35

Assessment

1.0 Proposal

- 1.1 The application is to ascertain whether the proposed change of use would constitute permitted development ('pd') within the General Permitted Development ('GDPO') and therefore be "lawful development".
- 1.2 Development not permitted by Class J where -
- (a) The building is on article 1(6A) land; - complies, it falls outside of the 'exempt office area' designation in Camden.
 - (b) The building was not used for a use falling within Class B1 (a) (offices) of the Schedule to the Use Classes Order immediately before 30th May 2013 or, if the building was not in use immediately before that date, when it was last in use; - complies, it has been used as Class B1(a) offices before 30 May 2013. Please see further assessment on this below.
 - (c) The use of the building falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order was begun after 30th May 2016 – complies, it will commence in 2013
 - (d) The site is or forms part of a safety hazard area; - complies, it does not form part of a safety hazard area
 - (e) The site is or forms part of a military explosives storage area; - complies, it does not form part of a military explosives storage area
 - (f) The building is a listed building or a scheduled monument – complies, the building is not listed or a scheduled monument
- 1.3 The application complies with each of the above criteria. The Council was previously (ref. 2013/5111/P) not satisfied that the building and/or all units within the building are within B1a use, in accordance with section c above. A couple of site visits were carried out to the site and units were inspected. Utopia Village comprises of some 12 units of which some are sub-divided. 3 units are vacant and are most likely to have been used as B1a before and up to 30/05/2013. The remainder of the units are used as architects offices, internet and media production businesses, financial services businesses and clothing and cosmetics distributors; all of which including the later are operating as B1a offices. However, 2x units (11 & 11a at ground on first floor level) operate as recording studios, which falls outside of B1a use class. Each of the units comprises at least one formal recording studio with ancillary editing and production rooms. The units are laid on the ground and first floor of the building, set in the middle of the site and accessed via a shared front door which then leads to two separate second entrance doors. They are occupied by the same voice recording company, known as 'dsound'.
- 1.4 Accordingly, the applicant has proposed to exclude these units from the application and re-design the proposal to develop only 53 residential units. Unit 8c (ground floor) is also excluded. The exclusion of these 3 units allows the site to comply with the Class J criteria.
- 1.5 As the above pre-requisites are complied with the proposal is assessed against the following:

2.0 Conditions

- 2.1 The applicant has submitted information in order for the Council to make a determination as to whether prior approval is required as to:
- "(a) transport and highways impacts of the development;
 - (b) contamination risks on the site; and
 - (c) flooding risks on the site"

Each of these criteria will be considered below.

2.2 (a) Transport and highways impacts

In determining these types of applications Class N(7) states that the local planning authority may require the developer to submit such information regarding the impacts and risks referred to in paragraph J2 [i.e. the transport and highways impacts of the development],... as the case may be, as the local planning authority may reasonably require in order to determine the application, which may include—

- (a) assessments of impacts or risks;
- (b) statements setting out how impacts or risks are to be mitigated.

(8) The local planning authority shall, when determining an application—

- (a) take into account any representations made to them as a result of any consultation under paragraphs (3) [noted above]...;
- (b) have regard to the National Planning Policy Framework issued by the Department for Communities and Local Government in March 2012 as if the application were a planning application;

2.3 Paragraph 29 states that “*the transport system needs to be balanced in favour of sustainable transport modes, giving people a real choice about how they travel*”. It also recognises that “*different communities and opportunities to maximise sustainable transport solutions will vary from urban to rural areas.*” Given that Camden is within a densely populated urban area of London it is considered necessary to maximise sustainable transport solutions.

2.4 The applicant has submitted a Transport Statement by Robert West dated October 2013. The applicant proposes to convert an existing 4,963 sqm office (use class B1) into 53 residential units comprising 19 one-bedroom units, 22 two-bedroom units, 11 three-bedroom units and 1 four-bedroom unit. The site currently has a one-way vehicular access arrangement in place, with entry from Chalcot Road and the exit via Egbert Street. The vehicle access currently serves approx. 20 off-street car parking spaces arranged around a central courtyard. The public transport access to the site is PTAL 2. The site is within the Primrose Hill CPZ area which has a parking demand at a ratio of 0.87 and is located within a Conservation area.

Walking, cycling and public transport

2.5 The revised proposal has included provision for 74 on-site cycle storage spaces. The Council actively encourages sustainable and efficient transport and supports the provision of high-quality cycle parking standards. The cycle parking provision is proposed with a two-tier mechanism within two areas on site. This is considered to comply with Camden’s standards and national policy and is recommended to be secured via a legal agreement to be maintained and retained as such.

Car-free and car-capped

2.6 Camden’s strategy and policies and national policy also consider access to car parking and seek to encourage car-free and car-capped developments in areas of moderate public transport accessibility. Given the PTAL rating for this site and acknowledging that the site already has access to 20 off-street car parking spaces the reduction of the proposed on-site car-parking to a maximum of 11 spaces is welcome and will allow for better manoeuvring, less conflicts with pedestrians on site and access/egress issues. Accordingly, this development is recommended to be secured as car-capped via a legal agreement.

Highway network impact

2.7 Camden’s policies (DP20) and national policy are concerned with how a site is to be serviced, although not a transport reason directly, there are concerns raised by the Transport team that insufficient information has been provided to identify how the site will be serviced in connection with the new 53 residential units. With the lack of information submitted it is considered that waste, rubbish and servicing movements would represent a severe impact on the highway network as a result of the proposals. However, given the constraints under which the Council can assess this proposal it is understood that the site will be serviced as currently, this is to include refuse and emergency access.

2.8 DP21 relates to how a development is connected to the highway network. For some development this may require control over how the development is implemented (including demolition and construction) through a Construction Management Plan (CMP) secured via S106. Given the size of the site and its constrained access arrangements this site is considered to represent a severe impact on the highway network during its construction/conversion period. No information has been provided that details how the site will be

converted from the 4,963 sqm to 53 residential units. This size is considered sufficient to require a CMP in order to mitigate any adverse impacts. In response to this issue it is recommended that the applicant provides a CMP via a legal agreement.

2.9 Whilst the type of application cannot be assessed against the LDF, the above issues have been assessed against the NPPF and in order to mitigate adverse impact on local transport and the highway network the above 3 heads of terms would have been secured via legal agreement in principle. A fourth head of term is recommended to secure a financial contribution towards the repaving of the footway adjoining the site on Chalcot Road and Egbert Street and to repave the existing vehicular crossover leading to Utopia Village following the completion of construction works on site.

2.10 (b) Contamination risks on the site

The site is identified as falling within an area designated as contaminated land. However, whilst the site was used for piano manufacturing and possibly other chemical processing uses, as no construction is proposed as part of this application and no ground works are involved there is no objection to this proposal on this ground.

2.11(c) Flooding risks on the site

The site is not identified as one of the streets in Camden that suffered from surface water flooding in 1975 and 2002. The applicant has not submitted a Flood Risk Assessment. However given that the proposal relates to the ground floor and above and does not include any form of extensions it is considered that the proposal would not raise any flood risk issues and would be considered acceptable.

3.0 Recommendation

Prior approval is required and is approved on the basis that the application complies with Class J(b) of the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2013 as set out above.

This is subject to a S106 to secure:

- 74 cycle spaces;
- Car capping;
- Construction Management Plan;

Highways contribution

DISCLAIMER

Decision route to be presented to nominated members on 25th November 2013. For further information please go to www.camden.gov.uk and search for 'members briefing'

Turley Associates
25 Savile Row
London
W1S 2ESApplication Ref: **2013/6589/P**
Please ask for: **Tania Skelli-Yaoz**
Telephone: 020 7974 **6829**

20 November 2013

Dear Sir/Madam

DRAFT
DECISION

In accordance with section 60 (2B) and (2C) of the Town and Country Planning Act 1990
(as amended by section 4(1) of the Growth and Infrastructure Act 2013)

Process set out by condition J.2 of Schedule 2 Part 3 Class J of the Town and Country
Planning (General Permitted Development) Order 1995 (as amended by SI 2008 No. 2362
and SI 2013 No. 1101)

Certificate of Lawfulness (Proposed) Prior Approval granted

The Council, as local planning authority, hereby confirm that their **prior approval is granted** for the proposed development at the address shown below, as described by the description shown below, and in accordance with the information that the developer provided to the local planning authority:

Address of the proposed development:**Utopia Village
7 Chalcot Road
London
NW1 8LF****Description of the proposed development:**

Change of use from offices (Class B1a) to 53 residential units (Class C3).

Details approved by the local planning authority:

Drawing Nos: Transport Statement by Robert West dated October 2013, Planning

Statement by Turley Associates dated 09/10/13, [prefix 638-] site location plan S00/P1, (as existing:) EX00/P1, EX01/P2, EX02/P1, EX03/P1, (as proposed:) GA00/P8, GA01/P7, GA02/P3, GA03/P1.

Informative(s):

- 1 Your attention is drawn to the fact that there is a separate legal agreement with the Council which relates to the development for which this permission is granted. Information/drawings relating to the discharge of matters covered by the Heads of Terms of the legal agreement should be marked for the attention of the Planning Obligations Officer, Sites Team, Camden Town Hall, Argyle Street, WC1H 8EQ.
- 2 Your proposals may be subject to control under the Building Regulations and/or the London Buildings Acts which cover aspects including fire and emergency escape, access and facilities for people with disabilities and sound insulation between dwellings. You are advised to consult the Council's Building Control Service, Camden Town Hall, Argyle Street WC1H 8EQ, (tel: 020-7974 6941).
- 3 The Mayor of London introduced a Community Infrastructure Levy (CIL) to help pay for Crossrail on 1st April 2012. Any permission granted after this time which adds more than 100sqm of new floorspace or a new dwelling will need to pay this CIL. It will be collected by Camden on behalf of the Mayor of London. Camden will be sending out liability notices setting out how much CIL will need to be paid if an affected planning application is implemented and who will be liable.

The proposed charge in Camden will be £50 per sqm on all uses except affordable housing, education, healthcare, and development by charities for their charitable purposes. You will be expected to advise us when planning permissions are implemented. Please use the forms at the link below to advise who will be paying the CIL and when the development is to commence. You can also access forms to allow you to provide us with more information which can be taken into account in your CIL calculation and to apply for relief from CIL.

<http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil>

We will then issue a CIL demand notice setting out what monies needs to paid when and how to pay. Failure to notify Camden of the commencement of development will result in a surcharge of £2500 or 20% being added to the CIL payment. Other surcharges may also apply for failure to assume liability and late payment. Payments will also be subject to indexation in line with the construction costs index.

Please send CIL related documents or correspondence to CIL@Camden.gov.uk

- 4 You are advised that this proposal will be liable for the Mayor of London's Community Infrastructure Levy (CIL) as the additional floorspace exceeds 100sqm GIA or one unit of residential accommodation. Based on the Mayor's CIL charging schedule and the information given on the plans, the charge is likely to be £248,150 (4,963sqm x £50). This amount is an estimate based on the information submitted in your planning application. The liable amount may be revised on the

receipt of the Additional Information Requirement Form or other changing circumstances.

Your attention is drawn to the notes attached to this notice which tell you about your Rights of Appeal and other information.

Yours faithfully

Rachel Stopard
Director of Culture & Environment

It's easy to make, pay for, track and comment on planning applications on line. Just go to www.camden.gov.uk/planning.

It is important to us to find out what our customers think about the service we provide. To help us in this respect, we would be very grateful if you could take a few moments to complete our online survey at the following website address: www.camden.gov.uk/dmfeedback. We will use the information you give us to help improve our services.

DECISION